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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,340	09/07/2005	Hiroyuki Kojima	266229US6PCT	3706
22850	7590	03/18/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HSU, AMY R	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			03/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/525,340	Applicant(s) KOJIMA ET AL.	
	Examiner AMY HSU	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments, filed December 17, 2007, with respect to Claim Rejections – 35 USC §102(b) and 35 USC §103 have been fully considered and are persuasive. The rejections of Claims 1-17 have been withdrawn and moot in view of the new groups of rejection. This Office Action is Non-Final and meant to replace the NonFinal Office Action (mailed September 21, 2007).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-5, 7, 12, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al. (US 7209180).

Regarding Claim 1, Takagi teaches an image processor for processing a video signal (*Col 2 Lines 22-25*), comprising: aspect ratio information acquisition means for acquiring aspect ratio information about an original video signal (*Fig. 1 reference number 4, "aspect ratio detecting unit"*); aspect ratio conversion means for carrying out a process of aspect ratio conversion on the original video signal (*Col 2 Lines 22-27 teaches that the device outputs a signal with a changed aspect ratio, therefore the device converts the aspect ratio in order to change it, this can also be visualized from Fig. 8A to 8B*) based on the acquired aspect ratio information (*Fig. 7 S12 shows the changing process is done based on the aspect ratio*) to generate a processed video signal representing an image of the original video signal having a roundness of 1 (*Col 1 Lines 41-45 teach the device is to prevent the video from being distorted by changing the aspect ratio*); background signal generation means for generating a background video signal serving as a background of the processed video signal and video signal combination means for executing a process of combining the processed video signal and video signal combination means for executing a process of combining the processed video signal and the background video signal, both having been subjected to aspect ratio conversion, to generate a synthesized video signal (*Fig. 7 S19 and Fig. 8B*

and 8C show the device creates a background signal and combines it with the changed aspect ratio image), wherein the aspect ratio information acquisition means acquires the aspect ratio information based on identification information that has been added to the original video (Col 4 Lines 46-47).

Note that the broad terms used in the claim, "roundness of 1" is interpreted to mean a ratio of 1, or undistorted, as it is not a term commonly known and used in the art.

Regarding Claim 3, Takagi teaches the image processor according to claim 1, that the aspect ratio conversion means has an operation mode in which the aspect ratio of the original video signal is changed automatically based on information about the original video signal (*Fig. 2 S2, "Yes" is a mode where the original signal will be changed based on the 4/3 aspect ratio*), and an operation mode in which the aspect ratio of the original video signal is changed using a fixed scaling factor determined without referring to original video signal (*Fig. 2 S2 "No" is a mode where a fixed scaling factor of 1 is used so that the steps S3 and following are not performed*).

Regarding Claim 4, Takagi teaches the image processor according to claim 1, wherein the aspect ratio conversion means changes the aspect ratio of the original video signal by pixel number conversion (*As seen from Fig. 8A to Fig. 8B the space where the image takes is different which means the number of pixels is converted*).

Regarding Claim 5, Takagi teaches the image processor according to claim 1, wherein the aspect ratio conversion means changes the aspect ratio of the original video signal in such a manner that the image has roundness of 1 (*as addressed with Claim 1*) and has the maximum size fitting in a selected screen (*as seen in Fig. 3B the blanks correspond to fitting the selected screen size and the image uses the rest of the space, which maximizes the rest of the space*).

Regarding Claim 7, Takagi teaches the image processor according to claim 1, wherein the video signal combination means determines a size of the video signal. Fig. 3B shows the video signal that is a combination of the background signal and the changed image which is the output signal. The combination of the two determines the size of the video signal since the background and the image are necessary for the output signal.

Claim 12 is a method claim with similar limitations as Claim 1 and is therefore rejected similarly. Claim 17 is also rejected for the same reasons as Claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (US 7209180).

Regarding Claim 6, one of ordinary skill in the art will realize that an output signal from a device is of one format; therefore the background signal combined with the image such as that seen in Fig. 3B is an output signal of a single format. Official notice is taken that bitmap format or JPEG format is very commonly used formats for video signals. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a well known format.

Regarding Claims 8 and 9, Takagi teaches the output or synthesized video signal is output by an output unit in Fig. 1, and official notice is taken that it is well known to record the output synthesized signal to a recording medium, the image having a roundness of 1 and maximum size as addressed above. It would have been obvious to one of ordinary skill in the art at the time of the invention to send the output signal to a recording means for the user to view the image at a later time.

Similarly, regarding Claim 10, by the same reasoning it would follow that the output video signal is recorded on a removable recording medium conforms with the aspect ratio selected. For example Fig. 2 is for a display having 4/3 aspect ratio and produces an output for a 4/3 aspect ratio device. One of ordinary skill in the art would realize to record the video signal on a medium that conforms with the associated display.

Regarding Claim 11, Takagi teaches the image processor according to claim 8, wherein when the image after conversion by the aspect ratio conversion means has an aspect ratio different from a preset aspect ratio at the time of recording, the video signal combination means adds the background video signal around the processed video signal to generate an image of any the preset aspect ratio. The aspect ratio is different as it is changed and added with a background video signal as visualized in Fig. 3A to Fig. 3B.

Claims 13-16 are method claims with similar limitations as Claims 8-11 and are therefore rejected for the same reasons.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including US 2002/0184047 to Plotnick et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMY HSU whose telephone number is (571)270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
Examiner
Art Unit 2622

ARH 3/3/08

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622